

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Ru-El Sailor,)	Case No. 1:20-CV-00660
)	
Plaintiff,)	Judge David A. Ruiz
)	
vs.)	<u>DEFENDANTS' STATUS REPORT</u>
)	
City of Cleveland, <i>et al.</i>,)	
)	
Defendants.)	
)	
)	

The Defendants submit herein this status report to the Court and request that a status conference be scheduled in the near future or soon after this Court rules on the pending motion for a protective order (ECF No. 62).

I. Written Discovery:

The parties have substantially completed written discovery. However, Defendant Police Officers have propounded contention Interrogatories and Requests for Production of Documents to Plaintiff which have yet to be answered.

Defendant Police Officers have responded to Plaintiff's Interrogatories and Requests for Production of Documents. However, both Defendant Police Officers, as well as the City of Cleveland, are reviewing discovery responses for potential supplementation that may be necessary at this point in time.

Defendants recently received over 9,400 pages of documents from the County in response to a subpoena. The County redacted a significant amount of information which the Defendants believe is improperly withheld and should be disclosed. The Defendants requested a meet and confer with the County to resolve this issue, but may need to file a motion to compel to bring this issue before the Court.

II. Depositions:

The parties have completed several depositions in this case. At this point, the following depositions are being pursued:

- The Defendants are issuing a subpoena to depose former Assistant Cuyahoga County Prosecutor Blaise Thomas on March 6, 2024. But, this deposition cannot proceed until the discovery dispute over the County's document production is resolved.
- The Defendants will subpoena and depose Lawrence Braxton (a key eye witness who testified in the underlying criminal trial). This deposition is being scheduled in March, 2024.
- The Plaintiff requested the deposition of Melvin Smith. Defense counsel is coordinating dates for Mr. Smith's deposition in March, 2024.
- Plaintiff requested a Civ. R. 30(b) deposition from a representative from the City of Cleveland. The City of Cleveland objected to this deposition and filed a motion for a protective order. (ECF No. 62). This dispute is fully briefed and the parties are waiting for the Court's ruling on the matter.

III. Subpoenas:

Subpoenas were issued for documents from the defense attorneys who represented Plaintiff Sailor during his initial criminal trial. One of these subpoenas remains outstanding.

Subpoenas were issued for calls, emails, video chats of Plaintiff Sailor while he was in jail. Voluminous documents were recently received in response to these subpoenas. Defense

counsel is in the process of analyzing this data and coordinating production of this data to Plaintiff's counsel.

A subpoena was issued for unedited news / media interviews of the Plaintiff. These subpoenas remain outstanding and documents have not yet been produced.

IV. Pending Motions:

Plaintiff requested a Civ. R. 30(b) deposition for a representative of the City of Cleveland. However, this Court previously issued an order bifurcating Plaintiff's *Monell* claim against the City of Cleveland. The City of Cleveland has objected to Plaintiff's Civ. R. 30(b) request as it violates the Court's prior order bifurcating any discovery on the *Monell* claim. This matter has been fully briefed and is before the Court.

V. Status of Settlement Discussions:

Due to the dispute of liability and immunity defenses available to the Defendants, the parties have not engaged in any meaningful settlement discussions. The Defendants do not believe settlement discussions will be ripe in this case until dispositive motion practice has been completed.

The Court does not currently have a status conference scheduled in this matter. However, the parties request a status conference with the Court and jointly request that the Court extend fact discovery in this case by a period of at least forty (40) days in order to allow them to complete fact discovery. More time will be needed if this Court denies the pending motion for a protective order.

Respectfully submitted,

/s/ Kenneth A. Calderone

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